

# **National Environmental Policy Act of 1969**

## **Purpose**

To determine the effects of Federal actions (approving a FA project is a Federal action) on the human environment.

## **Types of Projects Covered**

All projects are subject to NEPA, but some activities can be excused, or categorically excluded, from the process.

## **The Process**

The attached guidelines will help you determine whether a project is a categorical exclusion and can be excluded from the NEPA process.

If your project does not qualify as a categorical exclusion, the NEPA process must be addressed and an Environmental Assessment (EA) and/or Environmental Impact Statement (EIS) must be prepared and be submitted with your grant documents.

## **NEPA GUIDELINES FOR DETERMINING CATEGORICAL EXCLUSIONS**

"Categorical exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required. The categorical exclusions used by the Fish and Wildlife Service are as follows:

### **A. General**

- ! Changes or amendments to an approved action when such changes have no potential for causing substantial environmental impact.
- ! Personnel training, environmental interpretation, public safety efforts and other educational activities.
- ! The issuance and modification of procedures, including manuals, orders and field rules, when the impacts are limited to administrative or technological effects.
- ! The acquisition of land in accordance with the Service's procedures, when the acquisition is from a willing seller, the acquisition planning process has been performed in coordination with the affected public and continuance of essentially the existing use is planned. (NOTE: If reasonable probability exists that the property will be extensively developed in the future, the acquisition cannot be categorically excluded. The resulting NEPA documents should describe the acquisition and development activities as a combined proposed action. Any development of a categorically excluded acquisition occurring in the future will need to be considered via the NEPA process.)

### **B. Resource Management**

- ! Research, inventory and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, and no introduction of either exotic organisms or contaminants.
- ! The operation, maintenance and management of existing facilities and improvements (i.e., structures, roads), including renovations and replacements which result in no or only minor changes in the capacity, use or purpose of the affected facilities.

- ! The addition of small structures or improvements in the area of existing improvements, which result in no or only minor changes in the capacity, use or purpose of the affected area.
- ! The reintroduction (stocking) of native or established species into suitable habitat within their historic or established range.
- ! Minor changes in the amounts or types of public use on FWS or State-managed lands, in accordance with existing regulations, management plans and procedures.
- ! Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.

### **C. Permit and Regulatory Forms**

- ! The issuance of permits for activities involving fish, wildlife or plants regulated under 50 CFR Chapter 1, Subchapter B, except when such permits involve the killing, the removal from natural habitat or the permanent impairment of reproductive capability of endangered species, threatened species, eagles or marine mammals.
- ! The issuance of special regulations for public use of FWS-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.
- ! Permitting a limited additional use of an existing right-of-way, such as the addition of new power or telephone lines where no new structures or improvements are required, or the addition of buried lines.
- ! The issuance or reissuance of rights-of-way and special use permits that result in no or negligible environmental disturbance.
- ! The issuance of grazing or agricultural use permits which do not increase the level of use nor continue a level of use that has resulted in adverse environmental effects.
- ! Activities directly related to the enforcement of fish and wildlife laws.
- ! Actions where FWS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

### **D. State Grants**

State planning grants and the administrative determination that State plans were prepared in accordance with prescribed standards. However, when the plan is submitted for approval, the program proposed by the plan is subject to the NEPA process.

Grants for categorically excluded actions listed in paragraphs A, B and C above.

Although a project may literally qualify for categorical exclusion status, an agency may decide because of extraordinary circumstances that it would be advantageous to prepare an EA. Circumstances leading to such a conclusion include actions that have effects as follows:

- ! Have significant adverse effects on public health or safety.
- ! Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.
- ! Have highly controversial environmental effects.

- ! Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- ! Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- ! Be directly related to other actions with individually insignificant but cumulative significant environmental effects.
- ! Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
- ! Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical habitat for these species.
- ! Require compliance with [\*\*Executive Order 11988 \(Floodplain Management\)\*\*](#), [\*\*Executive Order 11990 \(Protection of Wetlands\)\*\*](#), or the Fish and Wildlife Coordination Act.
- ! Threaten to violate a Federal, State, local or Tribal law or requirement imposed for the protection of the environment.